

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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| DOUGLAS K. VOLKMANN, | : | CIVIL ACTION NO. 1:18-CV-781 |
| | : | |
| Plaintiff | : | (Chief Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| INTERTEK YORK – BUILDING | : | |
| PRODUCTS & BUILDING | : | |
| SERVICES, d/b/a, a/k/a Architectural | : | |
| Testing, Inc., et al., | : | |
| | : | |
| Defendants | : | |

ORDER

AND NOW, this 17th day of January, 2019, upon consideration of the motions (Docs. 7, 11) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) or, alternatively, for a more definite statement under Rule 12(e) filed by defendants Hyster-Yale Group, Inc. (“Hyster”) and United Glass & Panel Systems, Inc. (“United Glass”), and for the reasons stated in the accompanying memorandum, it is hereby ORDERED that:

1. Hyster’s motion (Doc. 7) to dismiss or for a more definite statement is GRANTED in part and DENIED in part as follows:
 - a. The motion is GRANTED as to Count I. Count I against Hyster is DISMISSED.
 - b. The motion is DENIED in all other respects.

2. United Glass's motion (Doc. 11) to dismiss or for a more definite statement is DISMISSED as moot in light of Volkmann's voluntary dismissal, (see Doc. 46), of United Glass from the above-captioned case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania